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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,319	12/31/2003	Omar Farooq Sayed	4410-9US	4680
33717 7590 09/25/2007 GREENBERG TRAURIG LLP (LA) 2450 COLORADO AVENUE, SUITE 400E INTELLECTUAL PROPERTY DEPARTMENT SANTA MONICA, CA 90404			EXAMINER SHIN, KYUNG H	
		ART UNIT 2143	PAPER NUMBER	
		MAIL DATE 09/25/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/750,319	SAYED, OMAR F.
	Examiner	Art Unit
	Kyung H. Shin	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/2/04</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responding to application papers filed on **12-31-2003**.
2. Claims **1 - 22** are pending. Claims **1, 18, 19, 20** are independent.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims **1 - 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Vittal et al.** (US patent No. **6,907,401**) in view of **Feathers et al.** (US PGPUB No. **20020055933**).

Regarding Claims 1, 18, 19, Vittal discloses a method, computer system, computer program product for using an existing computer network directory of a first plurality of providers associated with a master entity to create a new computer network directory of a second plurality of providers associated with a subordinate entity, the method comprising:

- a) establishing computer communications between the master entity and the subordinate entity; (see Vittal col. 4, line 63 - col. 5, line 15: communications (network, Internet, telephone lines, cable modems, satellite links) between

- aggregator, merchants (providers), and customers; col. 6, lines 45-49: software implementation of portal switch (merchant information aggregation))
- b) defining a customization model; (see Vittal col. 2, lines 53-58; col. 6, lines 32-35; col. 8, lines 35-64: customization capability for merchant (provider) information displayed to customer (user))
 - c) using the existing computer network directory and the customization model to create the new computer network directory; (see Vittal col. 4, lines 19-22: new directory (total number of vendors minus vendors with switch disabled (new computer directory, subset of total number of vendors available)), customization model allows merchant (provider) to customize information displayed to customer (user))

Vittal does not specifically disclose identifiers for aggregator (master entity) and merchants (providers, subordinate entities)

However, Feathers discloses:

- d) assigning an identifier corresponding to the subordinate entity; (see Feathers paragraph [0030], lines 14-20: identifier for merchant (subordinate entity, provider)) and
- e) embedding, under computer control of the master entity, the identifier into at least a portion of the new computer network directory. (see Feathers paragraph [0019], lines 14-17: identifier embedded with URL information for aggregator (master entity))

Art Unit: 2143

It would have been obvious to one of ordinary skill in the art to modify Vittal as taught by Feathers to enable the capability to assign an identifier for master entity and subordinate entity, and embed master entity identifier in network directory information. One of ordinary skill in the art would have been motivated to employ the teachings of Feathers in order to enable the capability to dynamically maintain web site associations by maintaining a referring source's identification information to a user's web site and preventing its lost. (see Feathers col. 2, lines 2-3: “*... More specifically, this invention relates to dynamically maintaining web site associations.* ...”; paragraph [0004], lines 19-23: “*... Hence, there is a need to dynamically allocate a referring source's identification to a user's web site request to prevent the user's affiliation or the referring source's identification from being lost as the user traverses among web sites. ...*”)

Regarding Claim 2, Vittal discloses the method of claim 1 wherein the second plurality of providers is a subset of the first plurality of providers. (see Vittal col. 4, lines 19-22; col. 3, lines 8-15: merchant utilizes portal switch to dynamically participate or not participate in directory information, current set of providers equal to total set of providers minus providers currently not participating, subset of total providers)

Regarding Claim 3, Vittal discloses the method of claim 1 wherein the first plurality of providers offers goods, services or both goods and services. (see Vittal col. 1, lines 6-10; col. 3, lines 38-40: provide online goods and services)

Regarding Claim 4, Vittal discloses the method of claim 1 wherein each of the first plurality of providers is associated in the existing computer network directory with a network location. (see Vittal col. 4, lines 47-50: portal, user interface consists of links (network location) to merchants (providers); col. 5, lines 2-4; col. 5, lines 9-15: each merchant (provider) network accessible to customers and aggregators)

Regarding Claim 5, Vittal discloses the method of claim 4 wherein each of the second plurality of providers is associated in the new computer network directory with a network location. (see Vittal col. 4, lines 47-50: portal, user interface consisting of links (network locations) to current set of merchants (providers); col. 5, lines 2-4; col. 5, lines 9-15: subset of merchants (providers) network accessible to customers and aggregators)

Regarding Claim 6, Vittal discloses the method of claim 5 further comprising referring potential customers to one or more of the second plurality of providers by passing linking information for each of the one or more of the second plurality of providers through a hosting server controlled by the master entity. (see Vittal col. 6, lines 45-49: portal software operational on server (master entity) system)

Regarding Claim 7, Vittal discloses the method of claim 6 wherein network location information for one or more of the first plurality of providers is copied at least in part to the new computer network directory. (see Vittal col. 4, lines 19-22; col. 4, lines 47-50:

network location information included (dynamically added to listing of merchants) by participation of merchant)

Regarding Claim 8, Vittal discloses the method of claim 4 wherein each of the first plurality of providers is associated in the existing computer network directory with a unique network location identified by a uniform resource locator. (see Vittal col. 4, lines 47-50: URL link interface to merchant sites (network locations))

Regarding Claim 9, Vittal discloses the method of claim 1 further comprising providing a server controlled by the master entity and wherein defining the customization model comprises accessing the server by the subordinate entity to define the customization model. (see Vittal col. 8, lines 35-64: merchant (providers) access aggregator (master entity) interface to customize information; col. 6, lines 45-49: server system controlled by aggregator with portal software)

Regarding Claim 10, Vittal discloses the method of claim 1. (see Vittal col. 1, lines 6-10; col. 3, lines 38-40: provide online goods and services) Vittal does not specifically disclose whereby a contractual duty to share at least a portion of its revenue with the master entity. However, Feathers discloses wherein each of the first plurality of providers has a contractual duty to share at least a portion of its revenue with the master entity. (see Feathers paragraph [0013], lines 10-16; paragraph [0015], lines 8-

13: agreement (contractual) for revenue sharing between aggregator (affiliate site, master entity) and merchant (provider)

It would have been obvious to one of ordinary skill in the art to modify Vittal as taught by Feathers to enable the capability for revenue sharing between aggregator (master entity) and merchants (providers). One of ordinary skill in the art would have been motivated to employ the teachings of Feathers in order to enable the capability to dynamically maintain web site associations by maintaining a referring source's identification information to a user's web site and preventing its lost. (see Feathers col. 2, lines 2-3; paragraph [0004], lines 19-23)

Regarding Claim 11, Vittal discloses the method of claim 10. (see Vittal col. 1, lines 6-10; col. 3, lines 38-40: provide online goods and services) Vittal does not specifically disclose whereby one or more of the second plurality of providers has a contractual duty to share at least a portion of revenue with the subordinate entity. However, Feathers discloses wherein one or more of the second plurality of providers has a contractual duty to share at least a portion of revenue with the subordinate entity. (see Feathers paragraph [0013], lines 10-16; paragraph [0015], lines 8-13: agreement (contractual) for revenue sharing between aggregator (affiliate site, master entity) and merchants (providers))

It would have been obvious to one of ordinary skill in the art to modify Vittal as taught by Feathers to enable the capability for revenue sharing between aggregator (master entity) and merchants (providers). One of ordinary skill in the art would have

been motivated to employ the teachings of Feathers in order to enable the capability to dynamically maintain web site associations by maintaining a referring source's identification information to a user's web site and preventing its lost. (see Feathers col. 2, lines 2-3; paragraph [0004], lines 19-23)

Regarding Claim 12, Vittal discloses the method of claim 11. (see Vittal col. 1, lines 6-10; col. 3, lines 38-40: provide online goods and services) Vittal does not specifically disclose whereby the portion of revenue of the one or more second plurality of providers is established by the contractual relationship of the master entity with the first plurality of providers. However, Feathers discloses wherein the portion of revenue of the one or more second plurality of providers is established by the contractual relationship of the master entity with the first plurality of providers. (see Feathers paragraph [0013], lines 10-16; paragraph [0015], lines 8-13: agreement (contract), revenue sharing between aggregator (affiliate site, master entity) and merchants (providers))

It would have been obvious to one of ordinary skill in the art to modify Vittal as taught by Feathers to enable the capability for revenue sharing between aggregator (master entity) and merchants (providers). One of ordinary skill in the art would have been motivated to employ the teachings of Feathers in order to enable the capability to dynamically maintain web site associations by maintaining a referring source's identification information to a user's web site and preventing its lost. (see Feathers col. 2, lines 2-3; paragraph [0004], lines 19-23)

Regarding Claim 13, Vittal discloses the method of claim 11. (see Vittal col. 1, lines 6-10; col. 3, lines 38-40: provide online goods and services) Vittal does not specifically disclose whereby sending revenue from the master entity to the subordinate entity corresponding to the portion of revenue of the one or more second plurality of providers. However, Feathers discloses wherein further comprising sending revenue from the master entity to the subordinate entity corresponding to the portion of revenue of the one or more second plurality of providers. (see Feathers paragraph [0013], lines 10-16; paragraph [0015], lines 8-13: revenue sharing between aggregator (affiliate site, master entity) and merchants (providers))

It would have been obvious to one of ordinary skill in the art to modify Vittal as taught by Feathers to enable the capability for revenue sharing between aggregator (master entity) and merchants (providers). One of ordinary skill in the art would have been motivated to employ the teachings of Feathers in order to enable the capability to dynamically maintain web site associations by maintaining a referring source's identification information to a user's web site and preventing its lost. (see Feathers col. 2, lines 2-3; paragraph [0004], lines 19-23)

Regarding Claim 14, Vittal discloses the method of claim 1 wherein the new computer network directory is configured to provide a directory of merchants for online shopping by customers. (see Vittal col. 1, lines 6-10; col. 4, lines 41-47: online selling of goods and services by merchants (providers), subset of merchants (new directory) designated by port switch participation)

Regarding Claim 15, Vittal discloses the method of claim 14 wherein defining the customization model comprises selecting by the subordinate entity of product categories to use in copying selected data from the existing computer network directory. (see Vittal col. 8, lines 35-64: merchant (provider) determines information to be displayed at aggregator (portal, master entity) site for customer (user))

Regarding Claim 16, Vittal discloses the method of claim 1 further comprising providing an online shopping environment for customers using the new computer network directory wherein customers may select a merchant from the new computer network directory for making a purchase. (see Vittal col. 13, lines 57-62; col. 8, lines 56-63: users (customers) may purchase items (using shopping cart) from directory (list of merchants))

Regarding Claim 17, Vittal discloses the method of claim 16 wherein (i) the online shopping environment comprises a user interface and (ii) defining the customization model comprises defining conditional rules; and the method further comprising dynamically updating the user interface based on the conditional rules. (see Vittal col. 2, lines 53-68; col. 8, lines 35-64: user interface for merchants (providers) to customized information displayed at portal website)

Regarding Claim 20, Vittal discloses a method for tracking referrals from a plurality of

subordinate entities, wherein each of the plurality of subordinate entities markets to customers using a new computer network directory generated from selected portions of an existing computer network directory, wherein the existing computer network directory comprises a list of a first plurality of providers associated with a master entity, and wherein the new computer network directory comprises a list of a second plurality of providers associated with a subordinate entity, the method comprising:

- a) defining a customization model; (see Vittal col. 2, lines 53-58; col. 6, lines 32-35; col. 8, lines 35-64: customization capability for merchant (provider) information displayed to customer (user))
- b) using portions of data from the existing computer network directory as governed by the customization model to create the new computer network directory; (see Vittal col. 4, lines 19-22: new directory (total number of vendors minus vendors with switch disabled (new computer directory, subset of total number of vendors available), customization model allows merchant (provider) to customize information displayed to customer (user))

Vittal does not specifically disclose whereby an identifier for the aggregator (master entity) and merchants (providers).

However, Feathers discloses:

- c) assigning, by the master entity, a master identifier corresponding to the subordinate entity; (see Feathers paragraph [0019], lines 14-17: aggregator (master entity) identifier)

- d) assigning, by each of the second plurality of providers, a provider identifier corresponding to the subordinate entity; (see Feathers paragraph [0030], lines 14-20: a merchant (provider, subordinate entity) identifier) and
- e) maintaining an association, by the master entity, between the master identifier and each provider identifier assigned by the second plurality of providers to track referrals from the subordinate entity. (see Feathers paragraph [0020], lines 1-12; paragraph [0021], lines 11-31: track referral information between aggregator (portal, master entity) and merchants (providers), to ensure association between aggregator (master entity) and merchant (provider))

It would have been obvious to one of ordinary skill in the art to modify Vittal as taught by Feathers to enable the capability to assign an identifier for master entity and provider. One of ordinary skill in the art would have been motivated to employ the teachings of Feathers in order to enable the capability to dynamically maintain web site associations by maintaining a referring source's identification information to a user's web site and preventing its lost. (see Feathers col. 2, lines 2-3; paragraph [0004], lines 19-23)

Regarding Claim 21, Vittal discloses the method of claim 20 further comprising embedding, under computer control of the master entity, the master identifier into at least a portion of the new computer network directory. (see Feathers paragraph [0019], lines 14-17: aggregator (master entity) identifier embedded in URL (directory) information)

It would have been obvious to one of ordinary skill in the art to modify Vittal as taught by Feathers to enable the capability to assign an identifier, and embed identifier in network directory information. One of ordinary skill in the art would have been motivated to employ the teachings of Feathers in order to enable the capability to dynamically maintain web site associations by maintaining a referring source's identification information to a user's web site and preventing its lost. (see Feathers col. 2, lines 2-3; paragraph [0004], lines 19-23)

Regarding Claim 22, Vittal discloses the method of claim 21 wherein the embedding comprises embedding the master identifier into one or more links of a shopping mall website based on the new computer network directory. (see Vittal paragraph [0019], lines 14-17: aggregator (master entity) identifier embedded in URL information)

It would have been obvious to one of ordinary skill in the art to modify Vittal as taught by Feathers to enable the capability to assign an identifier, and embed identifier in network directory information. One of ordinary skill in the art would have been motivated to employ the teachings of Feathers in order to enable the capability to dynamically maintain web site associations by maintaining a referring source's identification information to a user's web site and preventing its lost. (see Feathers col. 2, lines 2-3; paragraph [0004], lines 19-23)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyung Hye Shin
Patent Examiner
Art Unit 2143

Kyung Hye Shin

KHS
September 4, 2007